IN THE HIGH COURT OF PUNJAB AND HARYANA ACHANDIGARH.

C.W.P. No. 16700 of 2006

Date of Decision: 19.10.2006

Sulekh Chand Tyagi and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR.

HON'BLE MR. JUSTICE M.M.S. BEDI.

Present:- Mr. RS Sangwan,Advocate
for the petitioners.

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M.M. KUMAR, J. (ORAL)

Notice of motion. Mr. Harish Rathee, Sr. DAG, Haryana, who is present in the Court accepts notice.

With the consent of the learned counsel for the parties the writ petition has been heard. The prayer made in the petition is for issuance of a writ of certiorari quashing the condition that the Dearness Allowance be treated as Dearness Pay for the purposes of Retirement Gratuity/Death Gratuity under the relevant instructions dated 8.3.1996 (P-1). The matter is not res integra as this Court has already opined in favour of the petitioners

in the judgment dated 23.9.2005 (P-2). The petitioners have already stake their claims by sending a advance notice on 29.8.2006 (P-3), which is pending consideration of the respondents and no decision on the same has so far been taken.

In view of above, we deem it just and appropriate to direct the respondents to take cognizance of the legal notice sent by the petitioners and decide the same expeditiously preferably within a period of four months from the date a certified copy of this order is presented to them. If the claim of the petitioners is found to be meritorious and decided in their favour then the benefit accruing to the petitioners shall be disbursed within a further period of four months thereafter. It shall be appreciated if the judgment of this Court dated 23.9.2005 (P-2) is kept in view and a speaking order is passed.

Petition stands disposed of in the above terms.

(M.M.KUMAR)
JUDGE

October 19, 2006
TSM

(M.M.S.BEDI)
JUDGE